

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1517556-000

Total Deleted Page(s) = 2
Page 8 ~ Duplicate;
Page 12 ~ Duplicate;

XXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXXX

F B I

Date: 12/15/69

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, MOBILE (157-3318) (P)

SUBJECT: HARASSMENT OF CAPITAL CITY
BOYS CLUB BY ALABAMA ACTION
COMMITTEE, MONTGOMERY, ALA.
RM

Re Mobile airtel to Director, 12/10/69.

Enclosed to the Bureau are one copy of each of the following:

PETITION FOR REMOVAL OR ALTERNATIVE INJUNCTIVE RELIEF
filed December 4, 1969, which was filed by SOLOMON S.
SEAY, JR., attorney for petitioners

A MOTION TO REMAND REMOVED ACTION, filed December 9,
1969, by ROBERT S LAMAR, JR., attorney for respondents

Copy of ORDER, filed December 10, 1969, by FRANK M.
JOHNSON, JR. USDJ, Ordering a hearing in the matter
to commence at 9:00 AM, Monday, December 22, 1969, in
the U. S. District Court Room, Montgomery, Alabama

The above documents were made available on 12/12/69
by ERNESTINE HOOKS, Clerk, USDC, Montgomery. These motions
and order were filed in Case Number 2983-N in USDC, MDA, in
the matter captioned, "ALABAMA ACTION COMMITTEE, INC., ET AL,
PETITIONERS, VERSUS CAPITAL CITY BOYS' CLUB, INC., RESPONDENTS."

- 2 - Bureau (Encl. 3)
5 - Mobile
(2 - 157-3318)
(1 - 157-2465 - RICHARD BOONE)
(1 - 157-2620 - AAC)

50 DEC 24 1969
CAR:mb (7)

REGISTERED
ENCLOSURE

REC 44

157-6-61-1837

DEC 18 1969

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

RACIAL INT. SECT.

157-6-61-1837

ENCLOSURE

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
EASTERN DIVISION

ALABAMA ACTION COMMITTEE, INC.,)
a corporation; and RICHARD C.)
BOONE, [REDACTED])

FILED
9:20 a.m.
DEC 4 1969

R. C. DOBSON, CLERK
[REDACTED]
DEPUTY CLERK

Petitioners,)

vs)

CASE NO. 2983-N

CAPITAL CITY BOYS' CLUB, INC.,)
a corporation; and E. D. NIXON,)
[REDACTED])

Respondents,)

PETITION FOR REMOVAL OR
ALTERNATIVE INJUNCTIVE RELIEF

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA:

The petition of the above-named petitioners, by and
through SOLOMON S. SEAY, JR., their attorney, respectfully
shows:

I

Jurisdiction of this Court is invoked under Title
28 U.S.C., § 1441 (b) and 1443 (1) and (2) and the Fourteenth
Amendment to the Constitution of the United States.

II

As appears more fully below, this petition seeks to
remove a civil action pending against twelve individual
defendants and one corporate defendant in the Circuit Court
of Montgomery County, Alabama, in equity, Case No. 37781.
Alternatively, this action seeks injunctive relief pursuant
to Title 28, United States Code, Section 1331.

b6
b7C

III

Petitioners Richard C. Boone, [REDACTED]

[REDACTED]
[REDACTED] are black citizens of the State of Alabama and of the United States.

Petitioner [REDACTED] is a caucasian citizen of the State of Alabama and of the United States.

All petitioners with the exception of petitioner [REDACTED] are members of the Alabama Action Committee, Inc., a civil rights organization engaged in seeking by lawful and peaceful means the equal political, economic, and social rights of blacks in the State of Alabama and the United States.

Petitioner [REDACTED] was employed as [REDACTED] by the respondent Capital City Boys' Club, Inc., [REDACTED]

[REDACTED] The individual respondents are members of its board of directors.

IV

Respondent members of the board of directors of the Boys' Club seek injunctive relief and damages from the petitioners on the basis of their assertions that the petitioners have threatened, harrassed, and intimidated the members of the board of directors of the Boys' Club and their respective employers; that the petitioners have threatened to destroy the building and other property owned by the Boys' Club; and that the petitioners have taken over actual physical possession of the Boys' Club building in Montgomery, Alabama. (a copy of the pleadings are attached hereto, made a part hereof as if herein set out in full).

These assertions by respondents are entirely untrue and without foundation. In fact, petitioners were peacefully

b6
b7C

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF ALABAMA, NORTHERN DIVISION

CAPITAL CITY BOYS' CLUB, INC.,
a corporation; and E. D. NIXON,

[REDACTED] on
behalf of themselves and all
other members of the Board of
Directors of the Capital City
Boys' Club, Inc.,

Plaintiffs,

vs.

RICHARD C. BOONE, [REDACTED]
[REDACTED]

[REDACTED] individually and
as representatives of a class
of persons who are guilty of
the matters alleged in the bill
of complaint: the ALABAMA ACTION
COMMITTEE, [REDACTED]

Defendants.

FILED

DEC 10 1969

R. C. DOBSON, CLERK
DEPUTY CLERK

CIVIL ACTION NO. 2093-W

ORDER

The motion of the plaintiffs, filed herein December 9, 1969,

seeking remand of this case to the Circuit Court of Montgomery County, Alabama,

is ORDERED to be and the same is hereby set for a hearing to commence at 9 a.m.,

Monday, December 22, 1969, in the United States District Courtroom, Montgomery,

Alabama.

Done, this the 10th day of December, 1969.

FRANK A. JOHNSON, JR.

UNITED STATES DISTRICT JUDGE

b6
b7c

Title 28, United States Code, Sections 1443 (2) and 1441 (b).

Since the injunction would result in the denial of petitioners rights to peacefully protest and demonstrate for a redress of grievances protected under the First and Fourteenth Amendments to the Constitution, the action is removable also under Title 28, United States Code, Sections 1443 (1) and 1441 (b).

WHEREFORE, Petitioners pray:

1. That the above-stated action now pending in the Circuit Court of Montgomery County, Alabama, be removed to this Court.

2. That this Court issue its order requesting that all records in the case be transmitted to it by the Circuit Court of Montgomery County, Alabama.

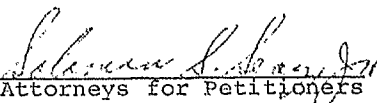
3. That after hearing hereon, this Court dismiss the action against petitioners.

4. In the alternative, petitioners pray that this Court, pursuant to the authorization of Title 28, United States Code, Section 1651, issue its writ of injunction restraining and enjoining respondents from further prosecuting the proceedings in the Circuit Court of Montgomery County, Alabama, including enjoining the hearing now set for December 4, 1969, on the prayer for temporary relief;

5. That this Court grant any further or additional relief as may appear to the Court necessary and proper.

Respectfully submitted,

GRAY, SEAY & LANGFORD

BY: 
Attorneys for Petitioners
352 Dexter Avenue
Montgomery, Alabama 36104

STATE OF ALABAMA,
MONTGOMERY COUNTY.

VERIFICATION

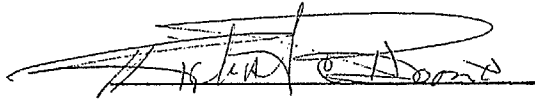
I, RICHARD C. BOONE, OF LAWFUL AGE, FIRST BEING DULY SWORN UPON
OATH, DEPOSE AND SAY:

THAT I AM DIRECTOR OF THE PETITIONER, ALABAMA ACTION COMMITTEE,
INC.

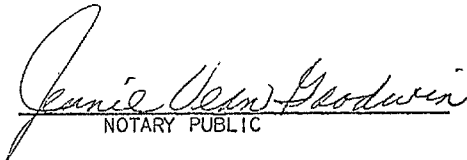
THAT I HAVE READ THE ANNEXED PETITION AND KNOW THE CONTENTS
THEREOF;

THAT I KNOW OF MY PERSONAL KNOWLEDGE THAT ALL FACTS STATED
THEREIN ARE TRUE;

THAT AS TO SUBJECT MATTER I BELIEVE THE PETITION TO BE TRUE.



SWORN TO AND SUBSCRIBED TO BEFORE ME THIS 3RD DAY OF
DECEMBER, 1969.


NOTARY PUBLIC

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

FILED

DEC 9 1969

R. C. DOBSON, CLERK

CLERK

ALABAMA ACTION COMMITTEE, INC.,
a corporation; and RICHARD C.
BOONE, [REDACTED]



Petitioners,

VS.

CAPITAL CITY BOYS' CLUB, INC.,
a corporation; and E. D. NIXON,
[REDACTED]

Respondents.

CASE NO. ~~2983-N~~

2983-N

b6
b7C

MOTION TO REMAND REMOVED ACTION

The respondents (plaintiffs in state court) move the court for an order remanding this cause to the Circuit Court of Montgomery County, Alabama, on the ground that the cause was improperly removed and is not within the jurisdiction of this court, in that:

1. Petitioners did not promptly give notice to the respondents of the filing of the petition and bond for removal.
2. This court has no jurisdiction of the claim asserted in the complaint filed by respondents in state court.
3. The complaint filed by respondents in state court does not present a claim or right arising under the Constitution, treaties, or laws of the United States.
4. This action is not a civil rights case within the meaning of 28 USC, Section 1443.
5. The petition for removal filed by petitioners is based upon the provision of 28 USC, Section 1443(1), but it does not appear therefrom that the petitioners have

been denied or cannot enforce in the courts of the State of Alabama a right under any law providing for the equal civil rights of citizens of the United States.

6. The petition for removal is based upon 28 USC, Section 1443(1), but it fails to allege any statute which secures for petitioners the right to commit the acts sought to be enjoined by the complaint.

7. The petition for removal is based upon 28 USC, Section 1443(2) but it does not sufficiently appear therefrom that the petitioners were acting in an official or quasi-official capacity at the time of the commission of the acts for which injunctive relief is sought in state court.

8. The petition for removal alleges that "Petitioners are threatened with being enjoined from acts done under color of authority derived from the 14th amendment of the Constitution," but the acts sought to be enjoined, if and when committed, would be violations of the criminal laws of the State of Alabama, and as such would not be the exercise of a right guaranteed by the 14th amendment to the Constitution.

WHEREFORE, respondents pray that this motion to remand to the Circuit Court of Montgomery County, Alabama, be granted; and that respondents be awarded their costs and disbursements incurred by reason of the removal of this action to this court.


Robert S. Lamar, Jr.
Attorney for Respondents

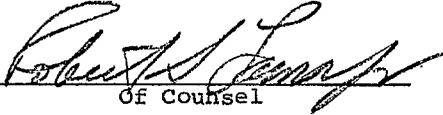
OF COUNSEL:

Ball & Ball
200 South Lawrence Street
Montgomery, Alabama 36104

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing motion has been served on Hon. Solomon Seay, Jr., attorney of record for petitioners, 352 Dexter Avenue,

Montgomery, Alabama, 36104, by United States mail, postage prepaid and sufficiently addressed this the 8 day of December, 1969.


Of Counsel

TO: Solomon Seay, Jr.
352 Dexter Avenue
Montgomery, Alabama

Attorney for Petitioners

Please take notice that the undersigned will bring on the above motion for hearing before this court on the 17th day of December, 1969, at 10 o'clock, a.m.


Attorney for Respondents

and lawfully exercising their rights of freedom of speech and expression, and the right to peaceably assemble, guaranteed to them by the First and Fourteenth Amendments to the United States Constitution.

V

The predominately black board of directors of the Capital City Boys' Club, which seeks to enjoin petitioners from exercising their rights of freedom of speech and expression and the right to peaceably assemble, is in fact the tool or alter ego of the Community Council, an adjunct and agency of the United Appeal of Montgomery. The United Appeals of Montgomery, which is the real party in interest in case, was organized under and by virtue of the Code of Alabama, Title 10, Section 203, et seq. It is affected with a substantial public interest, and serves an essential State function.

VI

At the instigation and insistence of the Community Council, the board of directors of the Boys' Club dismissed from his position [REDACTED]

[REDACTED] guiding light of the Boys' Club from its inception. In indignation over this dismissal, many of the citizens of the black community of Montgomery assembled in peaceful protest. It is in furtherance of such protest that some of the petitioners and others have been attempting to exercise their rights of free speech and assembly from which the respondents seek to enjoin them.

VII

By reason of the foregoing, petitioners are threatened with being enjoined for acts done under color of authority derived from the Fourteenth Amendment to the Constitution. Therefore, this action is a civil action removable under

b6
b7C

FBI

Date: 1/21/64

(Type in plain text or code)

AIRTEL

AIRMAIL

(Priority or Method of Mailing)

TO: DIRECTOR, FBI (157-6-#)
 FROM: SAC, MOBILE (44-439)(P)
 RE: RACIAL SITUATION
MONTGOMERY, ALABAMA
 RM

Agency G-2, ONI, CSI, CMO

Date Forw. JAN 24 1964

How Forw. *no*By *RLH - mlu*
1 cc Org. Unit1- LHM to Post Office
12/14/69 by request
re Salomon Head

Enclosed are 8 copies of a letterhead memorandum captioned "RACIAL SITUATION, MONTGOMERY, ALABAMA" and sub-captioned "City Commissioners' Committees on Community Affairs."

The informant to whom information is attributed is The location of the informant's report is

Other informants in the Mobile Division have been contacted in connection with this matter but none have reported any plans or activities on the part of other klan groups pertaining to these committees.

The information pertaining to the possible harassing telephone calls was furnished on 1/20/64 to Lt. WILLIAM B. CHALKLEY, Montgomery Police Department, at that time the officer in charge of the Detective Squad.

Lt. CHALKLEY indicated that there had been no

3 - Bureau (Encls 8) (RM) EX-108
 4 - Mobile (2 - 44-439)
 WED/gre (1 - 44-1342)
 (7) (1 - 157-190)

ENCLOSURE

REC-25

157-6-61-539
12 JAN 24 1964Approved: *[Signature]*

Special Agent in Charge

Sent

M

Per

66 JAN 29 1964

b7D
b7E

MO 44-439

complaints received thus far either from the City Commissioners or any other persons indicating that the harassing telephone calls were being made or had been made.

Copies of the articles referred to have been furnished to the Bureau.

RACIAL SITUATION
MONTGOMERY, ALABAMA

Ku Klux Klan, in the vicinity of Montgomery, Alabama, on the night of January 16, 1964 there occurred a discussion of what was called "the bi-racial committees" referred to in the article above. The formation of these committees was considered "a sell out" by the City Government, and there were remarks made that the city was coming under the complete domination of the Jews and Negroes. Leaders of this klan organization recommended that the members make telephone calls to the City Commissioners and to members of these committees at all hours of the day and night, expressing opposition to the committees. It was indicated that these klansmen felt that the ultimate purpose of the formation of these committees was to bring about the re-opening of Oak Park, a recreational park in Montgomery, on an integrated basis. The informant advised that some leaders of United Klans of America, Inc., Knights of the Ku Klux Klan, felt that it might be possible to get a member of their organization on the white Commissioners' Committee. It was indicated that some effort to accomplish this will be made.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

RACIAL SITUATION
MONTGOMERY, ALABAMA

of trust and understanding to resolve mutual problems. These problems must be solved in our local community by men of patience and good will who represent the real leadership of both races. Citizens cannot abdicate their responsibilities in these matters to actions by outside influences. These are matters of local concern and local resolution. They are matters which require real solutions, not temporary or forced solutions." The statement announcing the committees and the working procedure was signed by Mayor Earl D. James and Commissioners L. B. Sullivan and Frank W. Parks.

Members of the white General Committee are Walter Kennedy, Richard Hanan, Louie Adams, D. F. Arant, John Ashley, Evans Bates, Carl W. Bear, N. J. Bell, Eugene Blachschleger, W. M. Blount, William C. Chandler, A. B. Cumbus, Joe Fiveash, Joe Goodwyn, W. J. Gordy, John A. Garrett, Carter Hardwick, Norman Harris, Holman Head, Robert Heilpern, Lyle Hinds, H. H. Hutchinson, J. Mac Jones, W. Tom Jones, William A. Kent, Earle Kitchen, Dave Larson, O. G. Lindley, B. B. Marsh, Lynn Matlack, Joel McDavid, Frank McGough, Julian McPhillips, John Nicrosi, Franklin Parker, Robert Parker, Wiley Parkman, Earl Pippin, Henry Steindorf, Robert E. Steiner, W. L. Taylor Jr., Thomas Tyson, Joe Walker, Carmage Wallis, and J. R. White.

Members of the Negro General Committee are Julius Alexander, J. T. Alexander, L. M. Arrington, J. M. Britton, Thomas Campbell, Richard Carter, Winston Craig, O. C. Chambliss, Charles Conley, Rawls Dobbins, H. H. Eaton, Albert Fewes, Fred Gray, Andrew Goldsmith, J. B. Hardy, J. T. Hargrove, Richard T. Harris, Robert H. Hatch, H. H. Hubbard, Moses Jones, Robert F. Jones, C. W. Lee, Rufus Lewis, James Lott, Augusta McHaney, Robert Mathews, R. D. Nesbitt, E. D. Nixon, W. D. Pettus, James E. Pierce, W. J. Powell, John Sawyer, Solomon Seay, Emmett Smiley, Henry Spears, Edward Stephens, Frank Taylor, W. E. Thompson, Jefferson Underwood, E. P. Wallace, Levi Watkins, C. R. Williams, Roscoe Williams, and A. W. Wilson.

An informant who has furnished reliable information in the past advised on January 19, 1964 that at a meeting of United Klans of America, Inc., Knights of the



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Mobile, Alabama
January 21, 1964

In Reply, Please Refer to
File No.

RACIAL SITUATION
MONTGOMERY, ALABAMA

City Commissioners' Committees
on Community Affairs

The January 16, 1964 issue of the Montgomery Advertiser, a daily newspaper published at Montgomery, Alabama, contained an article on Page 1 authored by Dick Hines captioned "City Appoints Two Committees To Advise On Racial Matters." This article relates that the City Commission of Montgomery, Alabama, on January 15, 1964 announced the formation of two citizens' committees, composed respectively of 45 white and 45 Negro leaders, to study and make recommendations for solving racial problems and other facets of community life. It was also announced, according to this article, that a Steering Committee would be appointed at a later date, composed of 11 members each from the two main committees. This article states that among the problems the committees would study would be those of youth, housing, industrial growth, job opportunities, law enforcement, slum clearance, paving and sewerage.

The second article on the same subject appears on Page 11 of the same newspaper. This one is captioned. "City Commission Asks 'Thoughtful Leadership'." This article purports to set forth the complete statement issued by the City Commission on January 15, 1964 pertaining to the formation of "City Commissioners' Committees on Community Affairs." This statement begins by an acknowledgment that in spite of growth and progress of the city of Montgomery in recent years that the city does have problems. Mentioned among these problems were the continuing needs for "our youth and growth of our educational system; the problems involved in race relations; the need for industry and employment opportunities." The statement reads in part "It is a time when thoughtful leadership from the respective white and Negro communities must come together in an atmosphere